

Application No.: 10/693,052

Docket No.: JCLA9844

**REMARKS****Present Status of the Application**

The Office Action rejected claims 1 and 15 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action rejected claims 1-4 under 35 U.S.C. 102(b) as being anticipated by Choi (US 5,959,955).

The Office Action rejected claims 7-9 under 35 U.S.C. 102(b) as being anticipated by Yoshida et al. (US 5,764,610).

The Office Action rejected claim 5 under 35 U.S.C. 103(a), as being unpatentable over Choi (US 5,959,955), as applied to claim 1 above, and further in view of Yamamoto et al. (US PGPub Number 2002/126607 A1).

The Office Action rejected claim 6 under 35 U.S.C. 103(a), as being unpatentable over Choi (US 5,959,955), as applied to claim 1 above, and further in view of Yamamoto et al. (US PGPub Number 2002/126607 A1), as applied to claim 5 above, and further in view of Hira (US 5,381,392).

The Office Action rejected claim 10 under 35 U.S.C. 103(a), as being unpatentable over Yoshida et al. (US 5,764,610), as applied to claim 7 above, and further in view of Hira (US 5,381,392).

The Office Action rejected claims 11-13 under 35 U.S.C. 103(a), as being unpatentable over

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Yamada et al. (US 5,831,952) in view of Yoshida et al. (US 5,764,610).

The Office Action rejected claim 14 under 35 U.S.C. 103(a), as being unpatentable over Yamada et al. (US 5,831,952) and Yoshida et al. (US 5,764,610), as applied to claim 11 above, and further in view of Hira (US 5,381,392).

The Office Action rejected claims 15-18 under 35 U.S.C. 103(a), as being unpatentable over Yamada et al. (US 5,831,952) and Yoshida et al. (US 5,764,610), as applied to claim 11 above, and further in view of Kumagai (US 6,005,832).

Upon entry of the amendments in this response, claims 7-18 remain pending in the present application. More specifically, claims 1-6 has been canceled, and claims 11 and 15 have been amended. These amendments and additions are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

#### Discussion of Office Action Rejections under 35 U.S.C. 112

Claims 1 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response to the rejection, applicant has canceled claim 1, and has amended claim 11. Amended claim 11 in related part recites "[a] method for discriminating an optical storage medium having a plurality of transition regions..." Because claim 15 depends on amended claim 11, claim 15 are definite.

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**Discussion of Office Action Rejections under 35 U.S.C. 102**

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Choi (US 5,959,955).

Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al. (US 5,764,610).

In response to the rejections, applicant has canceled claim 1-4. Claim 7 recites "(...) comparing the clock frequency with a frequency threshold to discriminate a type of the optical storage medium."

Examiner states that Yoshida discloses the use of comparator circuits (FIG. 2 elements 93 and 94) to detect the frequency of the wobble signal by using reference or threshold values  $V_{ref1}$  and  $V_{ref2}$  (Column 4, Lines 38-60) and depending on the output of the comparators the type of optical storage medium is determined (Column 4, Line 61 to Column 5, Line 18). In addition, Examiner further states that, prior to the comparator circuits, the amplitude level of the frequency signal is attenuated by a BPF having a predetermined center frequency, thus the output of the comparator is based on the frequency of the wobble signal (Column 4, Lines 51-60).

However, Yoshida does not disclose the reference values  $V_{ref1}$  and  $V_{ref2}$  are threshold values. Further, the use of comparator circuit 93 is for comparing an output from the P/H circuit 92 with the reference value  $V_{ref1}$ , and the use of comparator circuit 94 is for comparing an output from the P/H circuit 92 with the reference value  $V_{ref2}$ . That is, in Yoshida, the comparators are used to detect the frequency of the wobble signal by using the two reference values  $V_{ref1}$  and  $V_{ref2}$ . Thus, Yoshida does not teach or suggest discriminating a type of the optical storage medium by comparing the clock frequency with a frequency threshold. Therefore, claim 7 is patentable over Yoshida.

Claims 8-9 depend on independent claim 7, and therefore should be also allowable.

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**Discussion of Office Action Rejections under 35 U.S.C. 103**

Claim 5 is rejected under 35 U.S.C. 103(a), as being unpatentable over Choi (US 5,959,955), as applied to claim 1 above, and further in view of Yamamoto et al. (US PGPub Number 2002/126607 A1).

Claim 6 is rejected under 35 U.S.C. 103(a), as being unpatentable over Choi (US 5,959,955), as applied to claim 1 above, and further in view of Yamamoto et al. (US PGPub Number 2002/126607 A1), as applied to claim 5 above, and further in view of Hira (US 5,381,392).

Claim 10 is rejected under 35 U.S.C. 103(a), as being unpatentable over Yoshida et al. (US 5,764,610), as applied to claim 7 above, and further in view of Hira (US 5,381,392).

Claims 11-13 are rejected under 35 U.S.C. 103(a), as being unpatentable over Yamada et al. (US 5,831,952) in view of Yoshida et al. (US 5,764,610).

Claim 14 is rejected under 35 U.S.C. 103(a), as being unpatentable over Yamada et al. (US 5,831,952) and Yoshida et al. (US 5,764,610), as applied to claim 11 above, and further in view of Hira (US 5,381,392).

Claims 15-18 are rejected under 35 U.S.C. 103(a), as being unpatentable over Yamada et al. (US 5,831,952) and Yoshida et al. (US 5,764,610), as applied to claim 11 above, and further in view of Kumagai (US 6,005,832).

In response the rejections, applicant has canceled claim 5-6.

As discussed in the above, independent claim 7 is patentable over Yoshida. Hira does not teach or suggest discriminating a type of the optical storage medium by comparing the clock

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frequency with a frequency threshold. Therefore, independent claim 7 is patentable over Yoshida in view of Hira.

Claim 10 depends on independent claim 7, and therefore should be also allowable.

Amended independent claim recites "(...) comparing the obtained distance with a distance threshold to discriminate the optical storage medium, wherein a clock frequency is obtained for reading the optical storage medium to discriminate the optical storage medium when the obtained distance is larger than a failure threshold, wherein the clock frequency is compared with a frequency threshold to discriminate a type of the optical storage medium, wherein the optical storage medium is discriminated as a DVD when the clock frequency is larger than the frequency threshold and the optical storage medium is discriminated as a CD when the clock frequency is smaller than the frequency threshold."

As reasons similar to claim 7, Yamada and Yoshida do not teach or suggest discriminating a type of the optical storage medium by comparing the clock frequency with a frequency threshold. Therefore, independent claim 11 should be patentable over Yamada in view of Yoshida.

Claims 12-18 depend on independent claim 11, and therefore should be also allowable.

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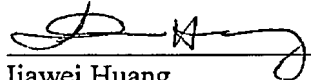
**CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims 7-18 are in proper condition for allowance and an action to such an effect is earnestly solicited. If the Examiner believes that a telephonic conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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